

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

F'REAL FOODS, LLC and RICH PRODUCTS  
CORPORATION,

Plaintiffs,

v.

HAMILTON BEACH BRANDS, INC. and  
HERSHEY CREAMERY COMPANY,

Defendants.

C.A. No. 16-41-CFC  
CONSOLIDATED

**DEFENDANTS' MOTION TO EXCLUDE TESTIMONY OF  
DR. MICHAEL P. AKEMANN AND DANIEL MAYNES, Ph.D.**

Defendants Hamilton Beach Brands, Inc. ("HBB") and Hershey Creamery Company ("Hershey") (collectively, "Defendants") respectfully move this Court for an order, substantially in the form attached hereto, for exclusion of the testimony of Dr. Michael P. Akemann and Daniel Maynes, Ph.D. The grounds for this motion are set forth in the Opening Brief and the supporting papers filed herewith.

Dated: December 14, 2018

/s/ Francis DiGiovanni

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## **STATEMENT OF COMPLIANCE WITH RULE 7.1.1**

The undersigned avers that a reasonable effort has been made to reach agreement with Plaintiffs f'real Foods, LLC and Rich Products Corporation on the matters set forth in DEFENDANTS' MOTION TO EXCLUDE TESTIMONY OF DR. MICHAEL P. AKEMANN AND DANIEL MAYNES, Ph.D., including a telephonic meet and confer held on December 11, 2018, attended by Delaware counsel for the moving and opposing parties.

Dated: December 14, 2018

/s/ Francis DiGiovanni

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